



Docket No.: 250512US55DIV

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COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 10/815,707

Applicants: Alan K. SMITH, et al.

Filing Date: April 2, 2004

For: HUMAN LINEAGE COMMITTED CELL
COMPOSITION WITH ENHANCED
PROLIFERATIVE POTENTIAL, BIOLOGICAL
EFFECTOR FUNCTION, OR BOTH; METHODS FOR
OBTAINING SAME; AND THEIR USES

Group Art Unit: 1644

Examiner: BELYAVSKYI

SIR:

Attached hereto for filing are the following papers:

**STATEMENT IN REPLY TO THE RESTRICTION REQUIREMENT DATED SEPTEMBER
22, 2004**

Our check in the amount of _____ is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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DOCKET NO: 296312US55DIV

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

ALAN K. SMITH, ET AL.

: EXAMINER: BELYAVSKYI

SERIAL NO: 10/815,707

:

FILED: APRIL 2, 2004

: GROUP ART UNIT: 1644

FOR: HUMAN LINEAGE COMMITTED
CELL COMPOSITION WITH ENHANCED
PROLIFERATIVE POTENTIAL,
BIOLOGICAL EFFECTOR FUNCTION,
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SAME; AND THEIR USES

STATEMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

This is in reply to the Restriction Requirement of September 22, 2004 issued in the above-identified application. The undersigned has discussed this case and this Restriction Requirement with Examiner Belyavskyi, who has recognized that the Restriction Requirement of September 22, 2004 was sent in error as it referred to claims previously cancelled in a preliminary amendment. Therefore, an election based on the groups set forth in the Restriction Requirement cannot be made. During these discussions, the undersigned was informed that the Restriction Requirement of September 22, 2004 has been withdrawn in lieu of a soon to be issued new Restriction Requirement.

As the Restriction Requirement has been withdrawn, no response is believed to be necessary. However, the undersigned has not received written confirmation of the withdrawal or the new Restriction Requirement. Therefore, Applicants are submitting this

written summary of the conversation between the undersigned and the Examiner in lieu of filing a response. As there is no Restriction Response to which a response is needed, extension of time fees are also not believed to be necessary.

In the event additional fees are needed, please charge to deposit account number
15-0030.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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